



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2206108
Applicant Name: Scott Holsapple
Address of Proposal: 2355 Perkins Lane West

SUMMARY OF PROPOSED ACTION

Master Use Permit for repair and mitigation of 11,595 square feet (sq. ft.) of landscaped areas affected by previous landslide event. 3,000 sq. ft. of area includes slope stabilization through the addition of garden retaining walls, rockeries, patio spaces, garden paths and new stair access to the shoreline. Project includes 238 cubic yards (cu. yds.) of grading in an environmentally critical area.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code.)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 13, 941 sq. ft. property is a corner lot fronting on Perkins Lane West and West McGraw Street and located in a Single Family 7200 (SF 7200) zone. This site is classified as a waterfront lot with the following shoreline designations: Urban Residential (UR) for the dry-land portion of the site and Conservancy Recreation (CR) for the portion of the site that is submerged under water. Development on the site consists of an existing single family residence with an attached garage. Rockeries and dense vegetation consisting of shrubs, trees and bushes resides on the subject site. The

site is accessed via Perkins Lane West which is a non-arterial 18' wide paved roadway with no curbs, gutters or sidewalks. West McGraw Street is an unimproved street entirely covered with vegetation. A portion of the residence (an attached garage and an access bridge) is level with the Perkins Lane West. The property slopes approximately 12' from Perkins Lane West to the east side of the remaining portion of the residence and continues to slope downward towards the shoreline. The entire site is identified as Environmentally Critical Area (ECA)-Steep Slope and Landslide Prone.

Zoning in the vicinity is also SF 7200 with development consisting of single family residences within the shoreline overlays.

Proposal

The applicant proposes to construct a retaining wall to support the slope along Perkins Lane West near the southeast corner of the residence and create patio area between the house and the property line. This proposal also includes a series of proposed walkways and stairs beginning from Perkins Lane West, surrounding the existing residence, connecting with existing stairs to adjoin with a proposed terrace area and steps at the beach. A garden path, landscaping, rockeries and landscaping are proposed near the northern corner of the existing residence within the Perkins Lane West and West McGraw Street rights-of-way. The project would include grading of approximately 135 cu. yds. of cut and 103 cu. yds. of fill material.

Public Comments

The required public comment period ended on October 8, 2003. DPD received one written comment from a member of the "Friends of Shoreline Street Ends" Organization regarding possible expansion of private use onto the public right-of-way. The letter stressed the importance any improvements to the West McGraw Street right-of-way should be for the enjoyment of the public-not for private use only.

Additional Information

A series of permits and an exemption has been either issued or granted for the subject site.

Shoreline Exemption

DPD has conditionally granted an exemption from the Shoreline Management Act Substantial Development Permit Requirement for construction of retaining walls, stairs to the beach (above Ordinary high water), stairs down steep slope and landscaping on the subject site within Puget Sound.

Per SMC 23.60.016 and SMC 23.60.020 B2, even where an exemption is granted, all use within the Shoreline District must be consistent with the Shoreline Management and the Seattle Shoreline Master Program (SMP). Per the City of Seattle's SMP (23.60.020 B5) conditions may be attached to the approval of exemptions as necessary to assure consistency of the project with the Shoreline Management Act (SMA) and the City's SMP. Therefore, in order to increase the consistency of the general standards to protect the shoreline environment, the specific non-appealable shoreline conditions will be included as part of this decision.

Seattle Transportation Permits

The Seattle Department of Transportation (SDOT) has granted preliminary approvals for several permits connected with the proposed development activity on the right-of-ways. One permit (#Y7179) allows for construction access to the subject site via an existing road that begins from Perkins Lane West, goes across through gated Seattle Public Utilities (SPU) owned property (permission granted by SPU representative, Gary Lockwood) just north of the subject site and connects to West McGraw Street. A second permit (#X8035) grants the property owners permission to store material near the access road in the West McGraw Street right-of-way during the construction and during the installation of the landscaping and walkways on West McGraw Street and Perkins Lane West. The City Arborist, Nolan Rundquist, has included his landscaping requirements with this permit.

SDOT has also granted preliminary approval for an annual Street Ends Permit (#Y7292) to privately use a portion of West McGraw Street end.

ANALYSIS - SEPA

The proposal site is located in steep slope and landslide prone critical areas, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 4, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts on the environmentally critical area. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However the proposed construction is located in a Steep Slope and a Landslide Prone Environmentally Critical Area.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Kenneth G. Buss, P.E. dated July 30, 2003. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. This report has been reviewed by DPD’s geotechnical experts, who have concluded that the proposed construction may proceed. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts on the environmentally critical area that may occur as a result of this project include: increased surface water runoff from greater site coverage by impervious surfaces. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of residential development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface; and the Regulations for Environmentally Critical Areas.

Other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS – SHORELINE EXEMPTION (Conditions not open to appeal)

During Construction

1. Appropriate best management practices (BMPs) shall be employed to minimize the amount of erosion at the shoreline caused by construction material storage and staging and the proposed construction work. These BMPs shall include a silt fence and other methods that are appropriate.
2. No in-water work will be conducted in association with this exemption.

3. Care shall be taken by the owner(s), builder(s), or responsible party(s) to prevent toxic materials, petrochemicals and other pollutants from entering surface water during the proposed construction work. Spill prevention and response material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site.
4. Native vegetation, exclusively, shall be planted within the riparian area, which is the area of land the parallels the shoreline and is 20-ft in width.
5. There shall be no herbicides, pesticides or chemical fertilizers used within the riparian area (see above for definition of riparian area).
6. Native vegetation shall be predominant throughout the remainder of the site
7. Appropriate best management practices (BMPs) shall be employed to prevent other deleterious material from entering the Puget Sound during the proposed work.
8. If any deleterious material enters the water during proposed work this material shall be removed immediately and disposed of in the appropriate upland facility.

Signature: (signature of file) Date: June 14, 2004
Tamara Garrett, Land Use Planner
Department of Planning and Development
Land Use Services